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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,979	08/22/2000	Palani Raj R. Wallajapet	KCX-274(15145)	1403
22827	7590	10/08/2004	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	
DATE MAILED: 10/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/643,979

Applicant(s)

WALLAJAPET ET AL.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004 and 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-80, 82 and 84-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 88-99 is/are allowed.
- 6) ☒ Claim(s) 70, 71, 75-80, 82 and 84-87 is/are rejected.
- 7) ☒ Claim(s) 72-74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1) Acknowledgement is made of Request for Continued Examination (RCE)

received 9/27/2004. Amendment received 9/2/2004 is under consideration.

Applicants amend claims 70, 82, 88, 93, and cancel claims 81, 83.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) Claims 70-71, 75-80, 82, 84-87, are rejected under 35 U.S.C. 102(b) as being anticipated by Mackey (4,986,882).

Claims 70, 79-80: Mackey discloses a process of making a highly absorbent tissue by wet-laying pulps comprising particular polycarbonate polymer-modified fibrous pulps such as mildly hydrolyzed methyl acrylate-grafted softwood kraft pulps (Abstract). The polymer-modified fibrous pulps designated as type A pulps, are highly absorbent materials (col. 8, lines 14-15), and are added during the wet stage in amount of 1% to about 20% by weight (col. 6, lines 1-15). The swelling capacity of the type A pulps is at least 20 grams of aqueous fluid per gram of pulp (col. 16, lines 20-35). The total swelling capacity of tissue product is up to 4 fold (col. 14, lines 60-62), which reads on 400 grams per gram of absorbent material. The tissue web formed is dried (col. 5,

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lines 25-49). The tissue formed, as disclosed in Examples 1-3 (Tables, cols. 27-28), is of basis weight less than 100 grams per square meter. The amended independent claim 70 recites a "particulate superabsorbent material". In view that the current specification does not provide a definition of the word "particulate" and the Merriam-Webster's Dictionary (pg. 847, copy attached) defines the word "particulate" as relating to minute separate particles, the superabsorbent material of Mackey reads on the present superabsorbent material.

Claim 71: the highly absorbent type A fibrous material is provided in dry form (col. 18, line 58).

Claim 75: the total swelling capacity of tissue product is up to 4 fold (col. 14, lines 60-62), which reads on 400 grams per gram of absorbent material.

Claim 76: application of wet-strength resins is disclosed (col. 12, lines 1-9).

Claims 77-78, 84-86: drying to moisture content claimed is disclosed, through-air-drying is disclosed (col. 26, lines 39-61).

Claim 82: as disclosed above, type A pulps are made of fibrous fibers.

Claim 87: multi-ply towels are disclosed (col. 22, lines 52-64).

Allowable Subject Matter

3) Claims 88-99, are allowed.

Claims 72-74, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that the cited prior art does not disclose: a method of making a tissue that includes the step of forming a paper web from a cellulosic fibrous material and a pre-swollen superabsorbent material in the amount claimed, and wherein the tissue formed has a basis weight claimed (claims 72, 88); a tissue that includes cellulosic fibrous material and a pre-swollen superabsorbent material in the amount claimed, and wherein the tissue has a basis weight claimed (claim 93).

Response to Amendment

4) Applicant's arguments filed 9/2/2004, have been fully considered but they are not persuasive.

In regard to amended independent claim 70, applicants allege that the cited prior art, Mackey, does not disclose a "particulate superabsorbent material" because the Mackey superabsorbent material is either in a protonated state, or in an alkali-metalcation exchanged state.

The current specification does not provide a definition of the word "particulate". Merriam-Webster's Dictionary defines the word "particulate" as relating to minute separate particles. Thus, the state of the superabsorbent material does not differentiate the present superabsorbent material from the Mackey superabsorbent material

Conclusion

5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mark Halpern